

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 05-10112 JLT
)	
v.)	
)	
THE COMMONWEALTH OF MASSACHUSETTS, <i>et al.</i>)	
)	
Defendants.)	
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PLAINTIFF'S MOTION FOR PRELIMINARY AND PERMANENT INJUNCTION

COMES NOW the Plaintiff, the United States of America, by and through its undersigned counsel, and moves this Court to enter a preliminary and permanent injunction against enforcement of M.G.L. c. 21M, §§ 4(a) & (b), 6(a) & (b), pursuant to the Supremacy Clause of United States Constitution, Federal Rules of Civil Procedure 12 and 65, and for the reasons more fully set forth in the United States' accompanying Memorandum of Law.

Pursuant to Local Rule 7.1(a)(2), undersigned counsel conferred with counsel for all defendants on October 15, 2007. Counsel for those parties represented to undersigned counsel that those parties would oppose this Motion.

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DATED this 29th day of October, 2007.

Respectfully Submitted,

PETER D. KEISLER
Assistant Attorney General

MICHAEL SULLIVAN
United States Attorney
MARK T. QUINLIVAN
Assistant United States Attorney

/s/ Steven Y. Bressler
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